

PLEASE NOTE THAT A FORMAL APPLICATION FOR A HABITAT LOSS PERMIT HAS NOT BEEN FILED AT THIS TIME. THE FOLLOWING IS A DRAFT FORM OF DECISION FOR A HABITAT LOSS PERMIT SHOWING THE FORMAT AND POSSIBLE CONDITIONS FOR A FUTURE HABITAT LOSS PERMIT. BECAUSE A FORMAL APPLICATION HAS NOT BEEN FILED, CERTAIN DATES, FINDINGS AND OTHER INFORMATION IS ABSENT FROM THE DRAFT FORM OF DECISION, THIS INFORMATION WILL BE INCLUDED IN THE FINAL FORM OF DECISION.

TO BE DETERMINED

T&R Storage LLC
910 S. El Camino Real, Suite A
San Clemente, CA 92672

**DRAFT
Habitat Loss Permit**

APPLICATION NUMBER: HLP XX-XXX, ER 05-08-031

ASSOCIATED PERMIT(S): MUP 05-052

NAME OF APPLICANT: T&R Storage LLC

DESCRIPTION/LOCATION OF LOSS:

The project is a Major Use Permit to allow for a mini-storage facility on a portion of a 31.7 acre site. The project also includes a boundary adjustment in the northern portion of the site. The second lot allows for single family residential development and is not part of the Major Use Permit. The project will impact 2.8 acres of Diegan coastal sage scrub (CSS) as shown on the attached Habitat Loss Exhibit. The project includes the grading of approximately 6 acres for a pad for the mini-storage facility and access driveway as well as septic leech field and onsite fuel modification.

The project site lies between Interstate 15 and North Centre City Parkway in the North County Metropolitan Subregional Plan Area within unincorporated San Diego County as indicated on the attached USGS map. Surrounding uses include Interstate 15 to the west, North Centre City Parkway and a mobilehome park to the east and rural residential uses to the north and south.

Biological resources on the project site were evaluated in a Summary Biology Report prepared Vince Scheidt (March, 2013). Onsite habitat includes Diegan coastal sage

scrub, southern mixed chaparral, non-native grassland, southern riparian scrub and urban/ developed lands. Thirteen sensitive wildlife species were detected onsite: San Diego Coast Homed Lizard (*Phrynosoma coronatum blainvillei*), Coastal Western Whiptail (*Cnemidophorus tigris multiscutatus*), Cooper's Hawk (*Accipiter cooperii*), Bell's Sage Sparrow (*Amphispiza belli belli*), Red-shouldered Hawk (*Buteo lineatus*), Turkey Vulture (*Cathartes aura*), Barn Owl (*Tyto alba*), Yellow Warbler (*Dendroica petechia brewsteri*), San Diego Black-tailed Jackrabbit (*Lepus californicus bennettii*), Mule Deer (*Odocoileus hemionus*), San Diego Desert Woodrat (*Neotoma lepida intermedia*), White-tailed Kite (*Elanus leucurus*), Northwestern San Diego Pocket Mouse (*Chaetodipus fallax fallax*). One sensitive plant species, Lakeside Ceanothus (*Ceanothus cyaneus*) was historically mapped as occurring onsite but is thought to be a misidentification as this species does not occur in northern San Diego County and no evidence of this plant was detected during the 2007 or 2011/2012 field surveys. Protocol surveys for the California gnatcatcher were performed in 2001 and 2007 and were updated in 2012 with negative results.

The proposed project would impact 6.12 acres of the 31.7 acre site, as listed in Table 1. Mitigation will occur through the onsite preservation of 17.6 acres including Diegan coastal sage scrub, southern mixed chaparral, non-native grassland and southern riparian scrub as well as the offsite purchase of 3.3 acres of Diegan coastal sage scrub. The Diegan coastal sage scrub habitat onsite is considered to be of intermediate quality as determined by the criteria established under the Natural Community Conservation Planning (NCCP) Logic Flow Chart. Mitigation ratios are listed in Table 1. With the above mentioned mitigation, all impacts associated with the development of the T&R Storage LLC property would be mitigated to a level below significance. The proposed project is in conformance with all standards and guidelines outlined in the NCCP Process Guidelines.

Table 1.

Habitats	Existing (acres)	Impacts (acres)	Impact Neutral (acres)	Mitigation Required	Preserved Onsite (acres)	Offsite Mitigation (acres)
Diegan Coastal Sage Scrub	6.9	2.8	1.8	5.6 (2.8 acres @2:1)	2.3	3.3
Southern Mixed Chaparral	20.9	1.9	6.1	1.9 (1.9 acres @1:1)	12.9	--
Non-Native Grassland	3.2	1.4	0.1	0.7 (1.4 acres @0.5:1)	1.7	--
Southern Riparian Scrub	0.03	0	0	N/A	0.03	--
Urban/ Developed	0.7	0.1	0	N/A	0.7	--
Total	31.7	6.12	8.1		17.6	3.3

DECISION:

The Director of Planning & Development Services has approved your application for a HABITAT LOSS PERMIT. This Habitat Loss Permit approval does not become final until both the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) concur with the Director's approval, by the either of the following:

1. Concurrence implied by allowing a 30-day period, initiated by their receipt of this decision, to lapse without presenting written notification to the County that the decision is inconsistent with the Southern California Coastal Sage Scrub (CSS) Natural Community Conservation Planning (NCCP) Process Guidelines (CDFW, November 1993) or any approved subregional mitigation guidelines; or
2. Granting concurrence through written notification to the County prior to the conclusion of the 30-day period, initiated by their receipt of this decision, that the project is consistent with the Southern California CSS NCCP Process Guidelines or any approved subregional mitigation guidelines.

Pending the issuance of an associated Grading Permit, Clearing Permit or Improvement Plan from the County of San Diego, this Habitat Loss Permit allows for the loss of the above-described coastal sage scrub habitat (see attached Habitat Loss Exhibit) and incidental take of the California gnatcatcher for a period of one calendar year commencing the day concurrence is given by both the USFWS and CDFW. If the loss of habitat, as authorized by this Habitat Loss Permit, has not occurred within this one-year period, this Habitat Loss Permit and the authorization for the loss of coastal sage scrub habitat expires.

This Habitat Loss Permit cannot be relied upon for the clearing, grading or removal of any vegetation until a valid Grading Permit, Clearing Permit or Improvement Plan has been issued from the County of San Diego authorizing such vegetation removal. Furthermore, use and reliance upon this Habitat Loss Permit cannot occur until all of the requirements as specified within the "Conditions of Approval" section of this permit have been satisfied.

CONDITIONS OF APPROVAL:

The following conditions are being placed on MUP 05-052. For the final Habitat Loss Permit, the list of conditions will be modified to require satisfaction of all conditions prior to use and reliance on the HLP.

ANY PERMIT: (Prior to the approval of any plan, issuance of any permit, and prior to occupancy or use of the premises in reliance of this permit).

1. **BIOLOGICAL EASEMENT:** [PDS, PCC] [DPR, TC] [DGS, RP] [BP, GP, CP, UO] [PDS, FEE X 2]. **INTENT:** In order to protect sensitive biological resources, pursuant to the [Resource Protection Ordinance \(RPO\)](#) and County Guidelines for Determining Significance for Biological Resources, a biological open space

easement shall be granted. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego by separate document, an open space easement, or grant to the California Department of Fish and Wildlife a conservation easement, as shown on the approved Plot Plan. This easement is for the protection of biological resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. Granting of this open space authorizes the County and its agents to periodically access the land to perform management and monitoring activities for the purposes of species and habitat conservation. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcountry.ca.gov/PDS/docs/MemoofUnder.pdf>) between the wildlife agencies and the fire districts and any subsequent amendments thereto.
- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Development Services or the Director of Public Works or Department of Parks and Recreation.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, Real Property Division]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to *[PDS, PCC]* for approval. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit the easements shall be recorded. **MONITORING:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PCC]* for pre approval. The *[PDS, PCC]* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *[DGS, Real Property Division]*

shall forward a copy of the recorded documents to *[PDS, PCC]* [DPR, TC] for satisfaction of the condition.

2. LBZ EASEMENT: [PDS, PCC] [DGS, RP] [BP, GP, CP, UO] [PDS, FEE X 2].

INTENT: In order to protect sensitive biological resources, pursuant to the [Resource Protection Ordinance \(RPO\)](#) and County Guidelines for Determining Significance for Biological Resources, a Limited Building Zone Easement shall be granted to limit the need to clear or modify vegetation for fire protection purposes within an adjacent biological resource area. **DESCRIPTION OF REQUIREMENT:** Grant to the County of San Diego a Limited Building Zone Easement as shown on the approved Plot Plan. The purpose of this easement is to limit the need to clear or modify vegetation for fire protection purposes within the adjacent biological open space easement and prohibit the construction or placement of any structure designed or intended for occupancy by humans or animals. The only exceptions to this prohibition are:

- a. Decking, fences, and similar facilities.
- b. Sheds, gazebos, and detached garages, less than 250 square feet in total floor area, that are designed, constructed and placed so that they do not require clearing or fuel modification within the biological open space easement, beyond the clearing/fuel modification required for the primary structures on the property.

DOCUMENTATION: The applicant shall prepare the draft plats and legal descriptions of the easements, then submit them for preparation and recordation with the *[DGS, Real Property Division]*, and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the recorded easement documents to *[PDS, PCC]* for approval. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the easements shall be recorded. **MONITORING:** The *[DGS, RP]* shall prepare and approve the easement documents and send them to *[PDS, PCC]* for pre approval. The *[PDS, PCC]* shall pre-approve the language and estimated location of the easements before they are released to the applicant for signature and subsequent recordation. Upon Recordation of the easements *[DGS, Real Property Division]* shall forward a copy of the recorded documents to *[PDS, PCC]* for satisfaction of the condition.

3. OFF-SITE MITIGATION: [PDS, PCC] [BP, GP, CP, UO] [DPR, GPM] [PDS, FEE X2]

INTENT: In order to mitigate for the impacts to Diegan coastal sage scrub, which is a sensitive biological resource pursuant to the County Guidelines for Determining Significance for Biological Resources, off-site mitigation shall be acquired. **DESCRIPTION OF REQUIREMENT:** The applicant shall purchase habitat credit, or provide for the conservation of habitat of 3.3 acres of Diegan

coastal sage scrub, located in the Red Mountain Mitigation Bank or other location approved by the County of San Diego and Wildlife Agencies as indicated below.

- a. **Option 1:** If purchasing Mitigation Credit the mitigation bank shall be approved by the California Department of Fish & Wildlife. The following evidence of purchase shall include the following information to be provided by the mitigation bank:
 1. A copy of the purchase contract referencing the project name and numbers for which the habitat credits were purchased.
 2. If not stated explicitly in the purchase contract, a separate letter must be provided identifying the entity responsible for the long-term management and monitoring of the preserved land.
 3. To ensure the land will be protected in perpetuity, evidence must be provided that a dedicated conservation easement or similar land constraint has been placed over the mitigation land.
 4. An accounting of the status of the mitigation bank. This shall include the total amount of credits available at the bank, the amount required by this project and the amount remaining after utilization by this project.
- b. **Option 2:** If habitat credit cannot be purchased in a mitigation bank, then the applicant shall provide for the conservation habitat of the same amount and type of land located in North County as indicated below:
 1. Prior to purchasing the land for the proposed mitigation, the location should be pre-approved by [PDS].
 2. A Resource Management Plan (RMP) shall be prepared and approved pursuant to the County of San Diego Biological Report Format and Content Requirements to the satisfaction of the Director of PDS. If the offsite-mitigation is proposed to be managed by DPR, the RMP shall also be prepared and approved to the satisfaction of the Director of DPR.
 3. An open space easement over the land shall be dedicated to the County of San Diego or like agency to the satisfaction of the Director of PDS. The land shall be protected in perpetuity.
 4. The purchase and dedication of the land and the selection of the Resource Manager and establishment of an endowment to ensure funding of annual ongoing basic stewardship costs shall be complete prior to the approval of the RMP.

5. In lieu of providing a private habitat manager, the applicant may contract with a federal, state or local government agency with the primary mission of resource management to take fee title and manage the mitigation land). Evidence of satisfaction must include a copy of the contract with the agency, and a written statement from the agency that (1) the land contains the specified acreage and the specified habitat, or like functioning habitat, and (2) the land will be managed by the agency for conservation of natural resources in perpetuity.

DOCUMENTATION: The applicant shall purchase the off-site mitigation credits and provide the evidence to the [PDS, PCC] for review and approval. If the offsite mitigation is proposed to be owned or managed by DPR, the applicant must provide evidence to the [PDS PCC] that [DPR, GPM] agrees to this proposal. It is recommended that the applicant submit the mitigation proposal to the [PDS, PCC], for a pre-approval. If an RMP is going to be submitted in-lieu of purchasing credits, then the RMP shall be prepared and an application for the RMP shall be submitted to the [PDS, ZONING]. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the mitigation shall occur. **MONITORING:** The [PDS, PCC] shall review the mitigation purchase for compliance with this condition. Upon request from the applicant [PDS, PCC] can pre-approve the location and type of mitigation only. The credits shall be purchased before the requirement can be completed. If the applicant chooses option #2, then the [PDS, ZONING] shall accept an application for an RMP, and [PDS, REG] [DPR, GPM] shall review the RMP submittal for compliance with this condition and the RMP Guidelines.

4. **OPEN SPACE SIGNAGE: [PDS, PCC] [BP, GP, CP, UO] [PDS, FEE].**
INTENT: In order to protect the proposed open space easement from entry, informational signs shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space signs shall be placed along the boundary between the biological open space and development areas on Parcels "A" and "B" as indicated on the approved preliminary grading plan. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: MUP 05-052, ER 05-08-031

DOCUMENTATION: The applicant shall install the signs as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor, that the open space signs have been installed at the boundary of the open space easements. **TIMING:** Prior to approval of any plan or issuance of any permit, and prior to use of the premises in reliance of this permit, the open space signs shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

OCCUPANCY: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

5. OPEN SPACE FENCING: [PDS, PCC] [UO, FG] [PDS, FEE].

INTENT: In order to protect the proposed open space easement from entry, or disturbance, permanent fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Open space fencing shall be placed along the biological open space boundary as indicated on the approved preliminary grading plan. The fencing design shall consist of high tensile, chain link or other sturdy fence material to the satisfaction of the County, no less than 5 feet in height. **DOCUMENTATION:** The applicant shall install the fencing as indicated above and provide site photos and a statement from a California Registered Engineer, or licensed surveyor that the open space fencing has been installed at the open space easement boundary. **TIMING:** Prior to any occupancy, final grading release, or use of the premises in reliance of this permit, the fencing or walls shall be placed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

PRE-CONSTRUCTION MEETING: *(Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances.)*

(BIOLOGICAL RESOURCES)

6. "RESOURCE AVOIDANCE: [PDS, PCC] [DPW, PDCI] PDS, FEE X2].

INTENT: In order to avoid impacts to migratory birds, which are a sensitive biological resource pursuant to the Migratory Bird Treaty Act (MBTA), a Resource Avoidance Area (RAA), shall be implemented on all plans. **DESCRIPTION OF REQUIREMENT:** There shall be no brushing, clearing and/or grading such that none will be allowed within 300 feet of any potential migratory bird nesting location during the breeding season of migratory birds within the Resource Avoidance Area (RAA) as indicated on these plans. The breeding season is defined as occurring between January 1st and August 31st. The Director of Planning & Development Services [PDS, PCC] may waive this condition, through written concurrence from the US Fish and Wildlife Service and the California Department of Fish and Wildlife, provided that no migratory birds are present in the vicinity of the brushing, clearing or grading. **DOCUMENTATION:** The applicant shall provide a letter of agreement with this condition; alternatively, the applicant may submit a written request for waiver of

this condition. Although, No Grading shall occur within the RAA until concurrence is received from the County and the Wildlife Agencies. **TIMING:** Prior to preconstruction conference and prior to any clearing, grubbing, trenching, grading, or any land disturbances and throughout the duration of the grading and construction, compliance with this condition is mandatory unless the requirement is waived by the County upon receipt of concurrence from the Wildlife Agencies. **MONITORING:** The [DPW, PDCI] shall not allow any grading in the RAA during the specified dates, unless a concurrence from the [PDS, PCC] is received. The [PDS, PCC] shall review the concurrence letter.”

7. **“TEMPORARY FENCING: [PDS, PCC] [DPW,PDCI] [PC] [PDS, FEE]. INTENT:** In order to prevent inadvertent disturbance to the proposed biological open space, temporary construction fencing shall be installed. **DESCRIPTION OF REQUIREMENT:** Prior to the commencement of any grading and or clearing in association with this grading plan, temporary orange construction fencing shall be placed between the proposed development area and biological open space to protect from inadvertent disturbance of all open space easements that do not allow grading, brushing or clearing. The placement of such fencing shall be approved by the PDS, Permit Compliance Section. Upon approval, the fencing shall remain in place until the conclusion of grading activities after which the fencing shall be removed. **DOCUMENTATION:** The applicant shall provide evidence that the fencing has been installed and have a California licensed surveyor certify that the fencing is located on the boundary of the open space easement(s). The applicant shall submit photos of the fencing along with the certification letter to the [PDS, PCC] for approval. **TIMING:** Prior to Preconstruction Conference, and prior to any clearing, grubbing, trenching, grading, or any land disturbances the fencing shall be installed, and shall remain for the duration of the grading and clearing. **MONITORING:** The [PDS, PCC] shall either attend the preconstruction conference and approve the installation of the temporary fencing, or review the certification and pictures provided by the applicant.”

FINAL GRADING RELEASE: *(Prior to any occupancy, final grading release, or use of the premises in reliance of this permit).*

(BIOLOGICAL RESOURCES)

8. **OPEN SPACE SIGNAGE & FENCING: [PDS, PCC] [DPW, PDCI] [FG, UO] [PDS, FEE]. INTENT:** In order to comply with Conditions 4 and 5 pursuant to the adopted Mitigation Monitoring and Reporting Program (MMRP) for MUP 05-052, the fencing and signage shall be installed. **DESCRIPTION OF REQUIREMENT:** The permanent fences and open space signs shall be placed along the open space boundary as shown on these plans and the approved Conceptual Grading and Development Plan for MUP 05-052.

- a. Evidence shall be site photos and a statement from a California Registered Engineer, or licensed surveyor that the permanent walls or fences, and open space signs have been installed.
- b. The signs must be corrosion resistant, a minimum of 6" x 9" in size, on posts not less than three (3) feet in height from the ground surface, and must state the following:

**Sensitive Environmental Resources
Area Restricted by Easement**

Entry without express written permission from the County of San Diego is prohibited. To report a violation or for more information about easement restrictions and exceptions contact the County of San Diego,
Planning & Development Services
Reference: MUP 05-052, ER 05-08-031

DOCUMENTATION: The applicant shall install the fencing and signage and provide the documentation photos and certification statement to the [PDS, PCC].

TIMING: Prior to the occupancy of any structure or use of the premises in reliance of MUP 05-052, and prior to Final Grading Release ([Grading Ordinance Sec. 87.421.a.3](#)) the fencing and signage shall be installed. **MONITORING:** The [PDS, PCC] shall review the photos and statement for compliance with this condition.

9. **"EASEMENT AVOIDANCE: [PDS, PCC] [DPW, PDCI] [PDS, FEE]. INTENT:** In order to protect sensitive resources, pursuant to [County Grading Ordinance Section 87.112](#) the open space easements shall be avoided. **DESCRIPTION OF REQUIREMENT:** The easement indicated on this plan is for the protection of sensitive environmental resources and prohibits all of the following on any portion of the land subject to said easement: grading; excavation; placement of soil, sand, rock, gravel, or other material; clearing of vegetation; construction, erection, or placement of any building or structure; vehicular activities; trash dumping; or use for any purpose other than as open space. It is unlawful to grade or clear within an open space easement, any disturbance shall constitute a violation of the [County Grading Ordinance Section 87.112](#) and will result in enforcement action and restoration. The only exceptions to this prohibition are:

- a. Selective clearing of vegetation by hand to the extent required by written order of the fire authorities for the express purpose of reducing an identified fire hazard. While clearing for fire management is not anticipated with the creation of this easement, such clearing may be deemed necessary in the future for the safety of lives and property. All fire clearing shall be pursuant to the applicable fire code of the Fire Authority Having Jurisdiction and the Memorandum of Understanding dated February 26, 1997, (<http://www.sdcounty.ca.gov/PDS/docs/MemoofUnder.pdf>) between the

wildlife agencies and the fire districts and any subsequent amendments thereto.

- b. Activities conducted pursuant to a revegetation or habitat management plan approved by the Director of Planning and Development Services or the Director of Public Works or Department of Parks and Recreation.
- c. Vegetation removal or application of chemicals for vector control purposes where expressly required by written order of the Department of Environmental Health of the County of San Diego.

DOCUMENTATION: The applicant shall provide a letter statement to the [PDS, PCC] stating that all Sensitive Resource Easements were avoided during the grading construction, and that no impacts or encroachment into the open space occurred. **TIMING:** Prior to Final Grading Release the letter verifying the easements were not disturbed shall be submitted. **MONITORING:** The [DPW, PDCI] shall not allow any grading, clearing or encroachment into the open space easement.”

ENVIRONMENTAL FINDINGS:

A. CEQA Findings

TO BE PROVIDED

B. FINDINGS MADE IN SUPPORT OF THE ISSUANCE OF THE HABITAT LOSS PERMIT:

The following findings are made based upon all of the documents contained in the record for this project, and pursuant to Section 86.104 of County of San Diego Ordinance No. 8365 (N.S.) and Section 4.2.g of the CSS NCCP Process Guidelines (CDFW, November 1993):

Finding 1.a: The habitat loss does not exceed the five percent guideline.

The proposed project will impact 2.8 acres of coastal sage scrub and zero pairs of California gnatcatcher (*Polioptila californica*). Approved coastal sage scrub losses as of the date of May 30, 2013 and including this approval, for the entire unincorporated County, outside the boundaries of the Multiple Species Conservation Program (MSCP), are presented in the following table:

Unincorporated Area Coastal Sage Scrub Cumulative Losses	
Total loss allowed under five percent guideline:	2953.30 acres
Cumulative loss of Coastal sage scrub to date:	1185.94 acres
Net loss due to this project:	2.8 acres

Total cumulative loss:	1188.74 acres
Remaining loss under five percent guideline:	1764.56 acres

Finding 1.b: The habitat loss will not preclude connectivity between areas of high habitat values.

The County habitat evaluation model ranks the site as predominantly medium and low value with a small high value area in the most northern portion of the site. The project falls entirely within the "I-15 corridor", an area of known passage for species such as California gnatcatcher and others that move along the fragmented archipelago of Diegan coastal sage scrub and other habitats from Escondido north to Riverside County. The structure of the archipelago consists of mostly disjunct patches or fragments of habitat that are located within a mile of one another in a generally north-south direction. The proposed project will not preclude the use of this area for movement of species through the "I-15 corridor" as it will preserve a corridor of over 300-feet which is adjacent to another 100-feet of Caltrans right-of-way. Therefore, the habitat loss will not preclude movement corridors or habitat linkages between areas of high value habitats.

Finding 1.c: The habitat loss will not preclude or prevent the preparation of the subregional NCCP.

The Diegan coastal sage scrub habitat onsite is identified for conservation, as Pre Approved Mitigation Area (PAMA) land in the draft North County MSCP. Implementation of the T&R Storage LLC project will not adversely affect the ongoing MSCP planning process. The project preserves the natural vegetation and concentrates development in an area adjacent to the existing road and nearby mobilehome park. Fuel management is contained within the development footprint. All of the natural open space being provided within the project is within PAMA, and as such, provides a valuable contribution to the regional biological preserve that is currently being planned. Therefore, the habitat loss will not preclude the development of a regional preserve system.

Finding 1.d: The habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with Section 4.3 of the NCCP Process Guidelines.

A total of 2.8 acres of Diegan coastal sage scrub habitat will be impacted by the project. The habitat is considered of "intermediate" value, pursuant to the NCCP Logic Flow Chart. The project has been designed to site the development adjacent to North Centre City Parkway while conserving the remainder of the site. An additional 3.3 acres of offsite mitigation is also required to occur in the affected area. Besides the minimized project footprint and the large-block of preserve, the project proposes measures to ensure that indirect impacts are minimized and that the preserve system will have long-term viability. As such, the loss of Diegan coastal sage scrub will be mitigated to the maximum extent practicable for

intermediate value habitat in accordance with Section 4.3 the NCCP Process Guidelines. The following mitigation measures have been incorporated into the project:

- Dedication of a Limited Building Zone easement in order to prevent construction of buildings that would require fire-clearing within the open space.
- Placement of restrictive signs between the development area and open space boundaries.
- Placement of temporary fencing during grading/clearing.
- Placement of permanent fencing between development areas and open space. Implementation of grading and clearing restrictions during non-breeding season months for migratory birds.

The above design elements and mitigation measures incorporated into the project demonstrate that the habitat loss has been minimized and mitigated to the maximum extent practicable in accordance with Section 4.3 of the NCCP Process Guidelines.

Finding 2 The habitat loss will not appreciably reduce the likelihood of survival and recovery of listed species in the wild.

Protocol surveys for the California gnatcatcher were performed in 2001 and 2007 and were updated in 2012 with negative results. Thirteen sensitive wildlife species were detected onsite and one sensitive plant species, Lakeside Ceanothus (*Ceanothus cyaneus*) was historically mapped as occurring onsite. This observation is thought to be a misidentification as this species does not occur in northern San Diego County and no evidence of this plant was detected during the 2007 or 2011/2012 field surveys. There will be potential impacts to these sensitive species due to this project, but the site does not contain regionally viable populations. To mitigate for the loss of coastal sage scrub habitat due to the project, a combination of onsite preservation and offsite purchase of coastal sage habitat will be required at a 2:1 ratio equivalent to no less than 5.60 acres. Onsite preservation is also required for impacts to southern mixed chaparral at a 1:1 ratio and for non-native grassland at a ratio of 0.5:1. The combination of onsite preservation along with offsite habitat purchases will preserve habitat with long-term viability that has connectivity to high value districts and potential to support listed species. Through these mitigation measures, the proposed development of the project site will not appreciably reduce the likelihood of the survival and recovery of listed species.

Finding 3: The habitat loss is incidental to otherwise lawful activities.

The project will require grading plans for preparation of the site for MUP 05-052. The issuance of a Habitat Loss Permit by the County of San Diego, with the

concurrence of the Department of Fish and Wildlife and U.S. Fish and Wildlife Service and approval by the County of San Diego of a Grading Permit, Clearing Permit, or Improvement Plan is required prior to the clearing of any coastal sage scrub supported on the project site. No state or federal permits other than those mentioned above are identified as being required at this time. Construction and/or land use modification will not commence until all appropriate permits have been issued. The project has been found to be in conformance with Section 86.104 of the San Diego County Code. As such, the anticipated loss will be incidental to "otherwise lawful activities".

NCCP FLOWCHART

1. Is natural vegetation present? **Yes.**
2. Is Coastal sage scrub present? **Yes.**
3. Is Coastal sage scrub the most dense in the subregion? **No.**
4. Is the land close to high value district. **Yes.**
5. Is the land located in a corridor between higher value districts. **Yes.**
6. Does the land support high density of target species? **No.**

Based on the NCCP Logic Flow Chart, the quality of habitat supported on the T&R Mini Storage (MUP 05-052) project is defined as being "Intermediate Value."

MITIGATION MONITORING AND REPORTING PROGRAM:

The following shall be the Mitigation Monitoring or Reporting Program for this Habitat Loss Permit:

Public Resources Code Section 21081.6 requires the County to adopt a mitigation reporting or monitoring program for any project that is approved on the basis of a mitigated Negative Declaration or an Environmental Impact Report for which findings are required under Section 21081(a)(1). The program must be adopted for the changes to a project which the County has adopted, or made a condition of project approval, in order to mitigate or avoid significant effects on the environment. The program must be designed to ensure compliance during project implementation.

The mitigation monitoring program is comprised of all the environmental mitigation measures adopted for the project. The full requirements of the program (such as what is being monitored, method and frequency, who is responsible, and required time frames) are found within the individual project conditions. These conditions are referenced below by category under the mechanism which will be used to ensure compliance during project implementation.

- Subsequent Project Permits

Compliance with the following conditions is assured because specified subsequent permits or approvals required for this project will not be approved until the conditions have been satisfied:

1 through 9

NOTICE: The issuance of this permit by the County of San Diego does not authorize the applicant for said permit to violate any federal, state, or county laws, ordinances, regulations, or policies, including but not limited to, the federal Endangered Species Act and any amendments thereto.

NOTIFICATION TO APPLICANT: Because your project has an effect on native biological resources, State law requires the payment of a \$2,156.25 fee to the California Department of Fish and Wildlife for their review of the Mitigated Negative Declaration (Fish and Wildlife Code §711.4) and a \$50 administrative fee to the County (\$2,206.25 total). If you made this payment at the time of public review of the environmental document pursuant to Administrative Code Section 362, Article XX, effective August 27, 1992, you have met this obligation. If the fee has not been paid, to comply with State law, the applicant should remit to the County Planning & Development Services, within two (2) working days of the effective date of this approval (the “effective date” being the end of the appeal period, if applicable). **The payment must be by certified check or cashier’s check payable to the “County of San Diego” and can be submitted to the cashier at the PDS office or directly to the County Clerk.** The fees (excluding the administrative fee) may be waived for projects that are found by the Planning & Development Services and the California Department of Fish and Wildlife to have a no effect impact on fish and wildlife resources. Failure to remit the required fee in full within the time specified above will result in County notification to the State that a fee was required but not paid, and could result in State imposed penalties and recovery under the provisions of the Revenue and Taxation Code. In addition, Section 21089(b) of the Public Resources Code, and Section 711.4(c) of the Fish and Wildlife Code, provide that no project shall be operative, vested, or final until the required filing fee is paid.

STORMWATER ORDINANCE COMPLIANCE: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 10096](#) and all other applicable ordinances and standards for the life of this permit. The project site shall be in compliance with all applicable stormwater regulations referenced above and all other applicable ordinances and standards. This includes compliance with the approved Stormwater Management Plan, all requirements for Low Impact Development (LID), Hydromodification, materials and wastes control, erosion control, and sediment control on the project site. Projects that involve areas 1 acre or greater require that the property owner keep additional and updated information onsite concerning stormwater runoff.

The property owner and permittee shall comply with the requirements of the stormwater regulations referenced above.

LOW IMPACT DEVELOPMENT NOTICE: On January 24, 2007, the San Diego Regional Water Quality Control Board (SDRWQCB) issued a new Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). The requirements of the Municipal Permit were implemented beginning January 25, 2008. *Project design shall be in compliance with the new Municipal Permit regulations.* The Low Impact Development (LID) Best Management Practices (BMP) Requirements of the Municipal Permit can be found at the following link on Page 19, Section D.1.d (4), subsections (a) and (b):

http://www.waterboards.ca.gov/sandiego/water_issues/programs/stormwater/docs/sd_p_erm/r9_2007_0001/2007_0001final.pdf.

<http://www.sdcountry.ca.gov/PDS/docs/LID-Handbook.pdf>.

The County has provided a LID Handbook as a source for LID information and is to be utilized by County staff and outside consultants for implementing LID in our region. See link above.

GRADING PERMIT REQUIRED: A grading permit is required prior to commencement of grading when quantities exceed 200 cubic yards of excavation or eight feet (8') of cut/fill per criteria of [Section 87.202 \(a\) of the County Code](#).

DEFENSE OF LAWSUITS AND INDEMNITY: The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers and employees to attack, set aside, void or annul this approval or any of the proceedings, acts or determinations taken, done or made prior to this approval; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

JUDICIAL REVIEW TIME LIMITATIONS: The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure Section 1094.6, which has been made applicable in the County of San Diego by San Diego County Code Section 11.120. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the 90th day following the date on which this decision becomes final; however, if within 10 days after the decision becomes final a request for the record of the proceedings is filed and the required deposit in an amount sufficient to cover the estimated cost of preparation of such record is timely deposited, the time within which such petition may be filed in court is extended to not later than the 30th day

following the date on which the record is either personally delivered or mailed to the party, or the party's attorney of record. A written request for the preparation of the record of the proceedings shall be filed with the Director, Planning & Development Services, 5510 Overland Avenue, Suite 110, San Diego, California 92123.

The foregoing decision was approved by the Director of Planning & Development Services on TO BE DETERMINED. A copy of this decision, and the documentation supporting the decision, is on file in the Planning & Development Services office at 5510 Overland Avenue, Suite 110, San Diego, California.

PLANNING & DEVELOPMENT SERVICES
MARK WARDLAW, DIRECTOR

BY:

SAMI REAL, Chief
Project Planning Division

MW:SR:ag

Attachments

Habitat Loss Exhibit dated May 30, 2013
USGS Map
Summary Biology Report (Vince Scheidt, March 2013)

cc: To be provided at issuance of Habitat Loss Permit

email cc:

Emmet Aquino, Project Manager, Project Planning, Planning & Development
Services

Ed Sinsay, Team Leader, Land Development, Planning & Development Services

Jarrett Ramaiya, Planning Manager, Project Planning, Planning & Development
Services



